

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BITUMINOUS CASUALTY)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-60
)	(VARLAN/SHIRLEY)
WALDEN RESOURCES, LLC, AMWES)	
EXPLORATION, LLC, DANIEL POTTS,)	
ZTX DRILLING, LLC, JONATHAN D.)	
VANN, LEXINGTON INSURANCE)	
COMPANY, NATIONAL POLLUTION)	
FUNDS CENTER, UNITED STATES)	
ENVIRONMENTAL PROTECTION)	
AGENCY, WILD WELL CONTROL, INC.,)	
MARLOW VOLUNTEER FIRE)	
DEPARTMENT, SUPERIOR WELL)	
SERVICES, INC., GRIFFITH SERVICES)	
LLC, BLOWOUT TOOLS, INC.,)	
MILLER PETROLEUM, INC., FAY)	
PORTABLE BUILDINGS, INC.,)	
B.J. SERVICES COMPANY,)	
L&D WELL SERVICE, EAST TENNESSEE)	
CONSTRUCTION, BRAD PENNINGTON,)	
ROBERT KELLY, DEBRA KELLY, AND)	
MICHAEL TRUMP,)	
)	
Defendants.)	

ORDER

This civil action is before the Court on Plaintiff's Motion for Entry of Order of Dismissal as to Defendant Fay Portable Buildings, Inc. ("Fay") [Doc. 62]. Fay affirmatively states that it asserts no interest in the determinations requested in the complaint for declaratory judgment, interpleader, and permanent injunctive relief, and that it agrees that

it will not contest the declarations sought by plaintiff in the complaint for declaratory judgment, interpleader, and permanent injunctive relief. Consequently, plaintiff and Fay have agreed that Fay may be dismissed from this case without prejudice and need not participate further in this litigation.

Based upon the representations contained herein, this Court hereby **GRANTS** plaintiff's Motion for Entry of Order of Dismissal as to Defendant Fay Portable Buildings, Inc. [Doc. 62], and dismisses Fay from this matter upon the representations that it will claim no interest under the Declaratory Judgment Act and Federal Interpleader Act in the outcome of the determinations sought by Bituminous Casualty Corporation in the complaint for declaratory judgment, interpleader, and permanent injunctive relief.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE